

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:)	
)	
HERMAN DENNIS MOELLENHOFF,)	
a/k/a DENNIS MOELLENHOFF)	
)	
Debtor,)	
_____)	Cause No. 12-40544-A705
)	
CHARLES WEINREICH and)	Chapter 7
MARVIN WEINREICH,)	
)	Adversary No. 12-04099-705
Plaintiffs,)	
)	
vs.)	
)	
HERMAN DENNIS MOELLENHOFF,)	
a/k/a DENNIS MOELLENHOFF)	
)	
Defendant.)	

PLAINTIFFS' STIPULATION OF UNCONTESTED FACTS

Comes now Plaintiffs and Defendant in the above entitled cause, by and through their legal counsel, and hereby stipulate to the following uncontested facts:

1. Charles Weinreich and Marvin Weinreich are brothers, residing in South St. Louis County, Missouri, and for a number of years, both before and after 2001, issued personal checks or bank checks payable to Moellenhoff Building and Realty Company in varying amounts, receipted for by representatives of Moellenhoff Building and Realty Company.

2. Receipts issued for such monies received reflected that such monies were loaned for the purchase of Deeds of Trust on various lots or properties in which Moellenhoff Building and Realty Company was involved, and such Deeds of Trust were

for varying lengths of time and varying rates of interest.

3. Herman Dennis Moellenhoff, also known as Dennis Moellenhoff, during the course of these transactions, was President, Treasurer and a Director of the Missouri corporation known as Moellenhoff Building and Realty Company.

4. As to each transaction of loaned monies reflected in paragraph 5, subparagraph A1-9 as to Charles Weinreich, neither Moellenhoff Building and Realty Company nor Dennis Moellenhoff recorded Deeds of Trust naming Charles Weinreich as Grantee thereof.

5. As to each transaction of loaned monies reflected in paragraph 5, subparagraph B1-11 as to Marvin Weinreich, neither Moellenhoff Building and Realty Company nor Dennis Moellenhoff recorded Deeds of Trust naming Marvin Weinreich as Grantee thereof.

6. Discussions occurred between Dennis Moellenhoff and Charles Weinreich to the effect that upon receipt of monies handed in check form to Dennis Moellenhoff, as reflected in Complaint paragraph 5, subparagraph A1-9, that such monies would be for a specific deed of trust on a specific property, for a specific rate of interest return, for a specific term.

7. Discussions occurred between Dennis Moellenhoff and Marvin Weinreich to the effect that upon receipt of monies handed in check form to Dennis Moellenhoff, as reflected in Complaint paragraph 5, subparagraph B1-11, that such monies would be for a specific deed of trust on a specific property, for a specific rate of interest return, for a specific term.

8. As specifically related in Complaint paragraph 5, subparagraph A1-9, as to Charles Weinreich, Moellenhoff Building and Realty Company sent to Charles Weinreich periodic interest and/or partial repayment of principal on said loaned monies and provided 1099 tax forms to Charles Weinreich for such interest payments.

9. As specifically related in Complaint paragraph 5, subparagraph B1-11, as to Marvin Weinreich, Moellenhoff Building and Realty Company sent to Marvin Weinreich periodic interest and/or partial repayment of principal on said loaned monies and provided 1099 tax forms to Marvin Weinreich for such interest payments.

10. All exhibits attached to Plaintiffs' Complaint are true and accurate copies of documents created and signed by Dennis Moellenhoff and/or other agents, officers, or directors of Moellenhoff Building and Realty Company.

Respectfully submitted,

LUSSER, HUGHES & LUSSER

By: 

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